

AMENDED IN ASSEMBLY APRIL 26, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1259**

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**Introduced by Assembly Member Caballero**

February 23, 2007

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~~An act to amend Sections 37396 and 56742 of the Government Code, relating to city property. An act to amend Section 65588 of the Government Code, relating to local planning.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1259, as amended, Caballero. ~~City property: City of Soledad.~~  
*Local planning: housing element.*

*Existing law requires every city, county, and city and county to revise the housing element of its general plan as frequently as is appropriate, but not less than every 5 years, to reflect the results of the periodic review of the housing element. Existing law further provides that specified councils of governments must complete the 3rd and 4th revisions of the housing elements of their general plans by specified dates. Local governments within the regional jurisdiction of the Association of Monterey Bay Area Governments are required to complete the 4th revision on June 30, 2008.*

*This bill would extend the date by which local governments within the regional jurisdiction of the Association of Monterey Bay Area Governments must complete the 4th revision to June 30, 2009.*

~~Existing law prohibits a city from entering into a new lease for its annexed property, as defined, to be used as a hotel, motel, or lodging house.~~

~~This bill would allow the City of Soledad to lease annexed territory for not to exceed 99 years for a hotel, motel, or lodging house, if the~~

~~property contains a historical landmark, and if the legislative body of the City of Soledad adopts a resolution dedicating a portion of the income derived from the lease for the restoration, rehabilitation, and maintenance of the historical landmark.~~

~~This bill would state the findings and declarations of the Legislature concerning the need for special legislation.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 65588 of the Government Code is  
2     amended to read:

3     65588. (a) Each local government shall review its housing  
4     element as frequently as appropriate to evaluate all of the  
5     following:

6         (1) The appropriateness of the housing goals, objectives, and  
7         policies in contributing to the attainment of the state housing goal.

8         (2) The effectiveness of the housing element in attainment of  
9         the community's housing goals and objectives.

10        (3) The progress of the city, county, or city and county in  
11        implementation of the housing element.

12        (b) The housing element shall be revised as appropriate, but not  
13        less than every five years, to reflect the results of this periodic  
14        review.

15        (c) The review and revision of housing elements required by  
16        this section shall take into account any low- or moderate-income  
17        housing provided or required pursuant to Section 65590.

18        (d) The review pursuant to subdivision (c) shall include, but  
19        need not be limited to, the following:

20         (1) The number of new housing units approved for construction  
21         within the coastal zone after January 1, 1982.

22         (2) The number of housing units for persons and families of  
23         low or moderate income, as defined in Section 50093 of the Health  
24         and Safety Code, required to be provided in new housing  
25         developments either within the coastal zone or within three miles  
26         of the coastal zone pursuant to Section 65590.

27         (3) The number of existing residential dwelling units occupied  
28         by persons and families of low or moderate income, as defined in  
29         Section 50093 of the Health and Safety Code, that have been

1 authorized to be demolished or converted since January 1, 1982,  
2 in the coastal zone.

3 (4) The number of residential dwelling units for persons and  
4 families of low or moderate income, as defined in Section 50093  
5 of the Health and Safety Code, that have been required for  
6 replacement or authorized to be converted or demolished as  
7 identified in paragraph (3). The location of the replacement units,  
8 either onsite, elsewhere within the locality's jurisdiction within  
9 the coastal zone, or within three miles of the coastal zone within  
10 the locality's jurisdiction, shall be designated in the review.

11 (e) Notwithstanding subdivision (b) or the date of adoption of  
12 the housing elements previously in existence, each city, county,  
13 and city and county shall revise its housing element according to  
14 the following schedule:

15 (1) Local governments within the regional jurisdiction of the  
16 Southern California Association of Governments: December 31,  
17 2000, for the third revision, and June 30, 2006, for the fourth  
18 revision.

19 (2) Local governments within the regional jurisdiction of the  
20 Association of Bay Area Governments: December 31, 2001, for  
21 the third revision, and June 30, 2007, for the fourth revision.

22 (3) Local governments within the regional jurisdiction of the  
23 Council of Fresno County Governments, the Kern County Council  
24 of Governments, and the Sacramento Area Council of  
25 Governments: June 30, 2002, for the third revision, and June 30,  
26 2008, for the fourth revision.

27 (4) Local governments within the regional jurisdiction of the  
28 Association of Monterey Bay Area Governments: December 31,  
29 2002, for the third revision, and June 30, ~~2008~~ 2009, for the fourth  
30 revision.

31 (5) Local governments within the regional jurisdiction of the  
32 San Diego Association of Governments: December 31, 1999, for  
33 the third revision cycle ending June 30, 1999, and June 30, 2005,  
34 for the fourth revision.

35 (6) All other local governments: December 31, 2003, for the  
36 third revision, and June 30, 2009, for the fourth revision.

37 (7) Subsequent revisions shall be completed not less often than  
38 at five-year intervals following the fourth revision.

39 ~~SECTION 1. Section 37396 of the Government Code is~~  
40 ~~amended to read:~~

1     ~~37396. (a) A city, county, or city and county may lease~~  
2 ~~property owned, held, or controlled by it for a period not to exceed~~  
3 ~~99 years, for stadium, park, recreational, fair, exposition, or~~  
4 ~~exhibition purposes, or for general sports purposes such as training~~  
5 ~~and competitive sports.~~

6     ~~(b) On and after April 24, 2002, a lease executed pursuant to~~  
7 ~~this section on territory annexed pursuant to Section 56472, may~~  
8 ~~not include a shopping center, hotel, motel, or lodging house, but~~  
9 ~~may include a lease for all other purposes authorized under this~~  
10 ~~section, including a lease for either or both of the following~~  
11 ~~purposes:~~

12     ~~(1) Any dormitory or medical facility that exclusively, except~~  
13 ~~in the case of a medical emergency, serves individuals participating~~  
14 ~~in training or competitions held at the site leased pursuant to~~  
15 ~~subdivision (a).~~

16     ~~(2) Any food facility, as defined by Section 113785 of the Health~~  
17 ~~and Safety Code, food vending, and sales of goods and services~~  
18 ~~incidental to, and in support of, the purposes of the lease.~~

19     ~~(c) Notwithstanding subdivision (b), the City of Soledad may~~  
20 ~~lease property pursuant to this section for a period not to exceed~~  
21 ~~99 years for a hotel, motel, or lodging house, if the property~~  
22 ~~contains a historical landmark, as defined in Section 5020.1 of the~~  
23 ~~Public Resources Code, and if the legislative body of the City of~~  
24 ~~Soledad adopts a resolution dedicating a portion of the income~~  
25 ~~derived from the lease for the restoration, rehabilitation, and~~  
26 ~~maintenance of the historical landmark.~~

27     ~~(d) A lease made by a county pursuant to this section is subject~~  
28 ~~to Article 8 (commencing with Section 25520) of Chapter 5 of~~  
29 ~~Part 2 of Division 2 of Title 3.~~

30     ~~SEC. 2. Section 56742 of the Government Code is amended~~  
31 ~~to read:~~

32     ~~56742. (a) Notwithstanding Section 56741, upon approval of~~  
33 ~~the commission a city may annex noncontiguous territory not~~  
34 ~~exceeding 300 acres if the territory meets all of the following~~  
35 ~~requirements:~~

36     ~~(1) It is located in the same county as that in which the city is~~  
37 ~~situated.~~

38     ~~(2) It is owned by the city.~~

39     ~~(3) It is used for municipal purposes at the time commission~~  
40 ~~proceedings are initiated.~~

1 ~~(b) Territory which is used by a city for the reclamation,~~  
2 ~~disposal, and storage of treated wastewater may be annexed to the~~  
3 ~~city pursuant to this section without limitation as to the size of the~~  
4 ~~territory.~~

5 ~~(c) If territory is annexed pursuant to this section, the annexing~~  
6 ~~city may not annex any territory not owned by the city, not used~~  
7 ~~for municipal purposes, and not contiguous to the city, although~~  
8 ~~the territory is contiguous to the territory annexed pursuant to this~~  
9 ~~section.~~

10 ~~(d) Notwithstanding any other provision of this section, a city~~  
11 ~~which annexes territory pursuant to this section may annex~~  
12 ~~additional territory in the same county as that in which the city is~~  
13 ~~situated which is owned by the United States government or the~~  
14 ~~State of California and which is contiguous to the first annexed~~  
15 ~~territory if the total acreage of the first annexed and the~~  
16 ~~subsequently annexed territory together does not exceed 300 acres~~  
17 ~~in area. If after the completion of the subsequent annexation, the~~  
18 ~~city sells any or all of the first annexed territory, the subsequently~~  
19 ~~annexed territory shall cease to be part of the city if the~~  
20 ~~subsequently annexed territory is no longer contiguous to territory~~  
21 ~~owned by the city.~~

22 ~~(e) When any or all of the territory annexed to a city pursuant~~  
23 ~~to this section is sold by the city, all of the territory that is no longer~~  
24 ~~owned by the city shall cease to be a part of that city.~~

25 ~~(f) (1) A city may lease territory annexed pursuant to this~~  
26 ~~section for any of the purposes authorized pursuant to Article 2~~  
27 ~~(commencing with Section 37380) of Chapter 5 of Part 2 of~~  
28 ~~Division 3 of Title 4 as well as enter into leases for the construction~~  
29 ~~and operation of electrical generation, transmission, and~~  
30 ~~distribution. If, however, a city enters into a lease on and after~~  
31 ~~April 24, 2002, pursuant to Section 37395, 37396, or any other~~  
32 ~~provision of law, that would authorize the development of a~~  
33 ~~shopping center, hotel, motel, or lodging house on territory annexed~~  
34 ~~pursuant to this section, the affected territory shall cease to be a~~  
35 ~~part of the city.~~

36 ~~(2) Notwithstanding paragraph (1), the City of Soledad may~~  
37 ~~lease territory annexed pursuant to this section for a period not to~~  
38 ~~exceed 99 years for a hotel, motel, or lodging house, if the property~~  
39 ~~contains a historical landmark, as defined by Section 5020.1 of~~  
40 ~~the Public Resources Code, and if the legislative body of the City~~

1 of Soledad adopts a resolution dedicating a portion of the income  
2 derived from the lease for the restoration, rehabilitation, and  
3 maintenance of the historical landmark.

4 (g) ~~When territory ceases to be part of a city pursuant to this~~  
5 ~~section, the legislative body of the city shall adopt a resolution~~  
6 ~~confirming the detachment. The resolution shall describe the~~  
7 ~~detached territory and shall be accompanied by a map indicating~~  
8 ~~the territory. Immediately upon adoption of the resolution, the city~~  
9 ~~clerk shall make any filing required by Chapter 8 (commencing~~  
10 ~~with Section 57200) of Part 4.~~

11 (h) ~~If territory annexed to a city pursuant to this section becomes~~  
12 ~~contiguous to the city, the limitations imposed by this section shall~~  
13 ~~cease to apply.~~

14 SEC. 3. ~~The Legislature finds and declares that because of the~~  
15 ~~unique circumstances applicable to the City of Soledad with respect~~  
16 ~~to historical landmarks, a statute of general applicability cannot~~  
17 ~~be enacted within the meaning of subdivision (b) of Section 16 of~~  
18 ~~Article IV of the California Constitution, and the enactment of a~~  
19 ~~special statute is therefore necessary.~~